

**THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

CHRISTIAN J. WRIGHT, ADC #155008

PLAINTIFF

v.

Case No. 5:19-cv-00090-KGB

KEDRICK R. AVERY

DEFENDANT

ORDER

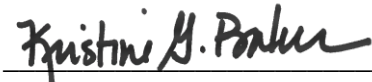
Before the Court are the Proposed Findings and Recommendations submitted by United States Magistrate Judge Jerome T. Kearney on June 7, 2019 (Dkt. No. 19). Judge Kearney recommends that defendant Kedrick R. Avery's motion to dismiss be granted and that plaintiff Christian J. Wright's complaint be dismissed with prejudice. Mr. Wright has filed a timely objection to Judge Kearney's Proposed Findings and Recommendations (Dkt. No. 20). After careful consideration of the Proposed Findings and Recommendations and Mr. Wright's objection thereto, as well as a *de novo* review of the record, the Court finds no reason to alter or reject Judge Kearney's conclusion.

The Court writes separately to address briefly Mr. Wright's objection. Mr. Wright argues that his excessive-force claim against Mr. Avery should not be dismissed for failure to exhaust his administrative remedies because prison officials prevented him from doing so. However, the Court is not dismissing the case on that ground. Rather, because the only relief requested by Mr. Wright is money damages against Mr. Avery in his official capacity, Mr. Wright's claim is barred by the doctrine of sovereign immunity. *See Will v. Mich. Dep't of State Police*, 491 U.S. 58, 65–66 (1989); *Pennhurst State Sch. & Hosp. v. Halderman*, 465 U.S. 89, 120 (1984).

Accordingly, the Court adopts the Proposed Findings and Recommendations in their entirety as this Court's findings of fact and conclusions of law (Dkt. No. 19). The Court grants

Mr. Avery's motion to dismiss (Dkt. No. 12). The Court dismisses with prejudice Mr. Wright's claim for monetary damages against Mr. Avery in his official capacity.

It is so ordered this 9th day of March, 2020.

A handwritten signature in black ink, reading "Kristine G. Baker", written over a horizontal line.

Kristine G. Baker
United States District Judge